

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

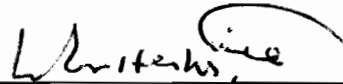
KAYLA STALLWORTH, et al.,	:	
	:	
Plaintiffs,	:	Case No. 3:09cv00379
	:	
vs.	:	District Judge Walter Herbert Rice
	:	Magistrate Judge Sharon L. Ovington
ALPHA PHI ALPHA, INC., et al.,	:	
	:	
Defendants.	:	
	:	

DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS FILED ON APRIL 16, 2010 (Doc. #27); PERMITTING PLAINTIFFS TO VOLUNTARILY DISMISS WITHOUT PREJUDICE DEFENDANT ALPHA PHI ALPHA PURSUANT TO FED. R. CIV. P. 41(B); GRANTING PLAINTIFFS' SECOND MOTION TO REMAND (Doc. # 23); DIRECTING THE CLERK OF COURT TO REMAND THIS CASE TO THE CLERK OF THE GREENE COUNTY, OHIO COURT OF COMMON PLEAS; DENYING AS MOOT THE REMAINING PENDING MOTIONS (Doc. #s 3, 9, 10, and 17); AND TERMINATING THE CASE ON THE DOCKET OF THIS COURT

The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #27), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations. It is therefore **ORDERED** that:

1. The Report and Recommendations filed on April 16, 2010 (Doc. #27) is **ADOPTED** in full;
2. Plaintiffs are permitted to voluntarily dismiss without prejudice Defendant Alpha Phi Alpha pursuant to Fed. R. Civ. P. 41(b);

3. Plaintiffs' Second Motion to Remand (Doc. # 23) is GRANTED, and the Clerk of Court is directed to remand this case to the Clerk of the Greene County, Ohio Court of Common Pleas;
4. The remaining pending Motions (Doc. #s 3, 9, 10, and 17) are DENIED as moot; and
5. The case is terminated on the docket of this Court.

A handwritten signature in black ink, appearing to read "Walter Herbert Rice", written over a horizontal line.

Walter Herbert Rice
United States District Judge